

NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

TAG INDUSTRY

AS APPROVED ON OCTOBER 25, 1934

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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1934

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Approved Code No. 249—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

TAG INDUSTRY

As Approved on October 25, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE TAG INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Tag Industry, and due notice and opportunity to be heard having been given thereon, and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety, as amended, such approval and such amendments to take effect ten days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the Board issues a subsequent order to that effect. Order No. 249-5 is hereby rescinded.

NATIONAL INDUSTRIAL RECOVERY BOARD.

By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLE, *Acting Division Administrator.*

WASHINGTON, D. C.,

October 25, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on amendments to the Code of Fair Competition for the Tag Industry, which was approved by you on February 1, 1934.

Article I: The definition of "member" is enlarged.

Article II, Section 2: Prohibits any inequitable restrictions on membership on the part of any trade or industrial association which, directly or indirectly participates in the selection or activities of the Code Authority and provides further for a check on all rules and regulations of such bodies by the National Industrial Recovery Board.

Article II, Section 4: Places in the National Industrial Recovery Board the power to halt any action on the part of the Code Authority if such action is deemed to be unfair, unjust or contrary to the public interest.

Article II, Section 5: Provides for the mechanism of assessing members of the industry for the support of the functions carried on by the Code Authority as authorized in the Code.

Article II, Section 8: Provides the mechanism for coordination of trade practices between the Tag Industry and other industries.

Article II, Section 9: Limits the liability of any members of the Code Authority to his own wilfull misfeasance or nonfeasance.

Article IV, Section 6: Provides for the employment of handicapped persons.

Article V, Section 5: Provides for the posting of labor provisions in conspicuous places accessible to all employees.

Article V, Section 7: Prevents any member of the industry from applying the labor provisions as to hours and wages on projects by competent governmental authorities when such projects are carried out under hours lower and wage rates higher than those provided in the Code.

Article V, Section 9: Provides for the prohibition of homework after January 1, 1935, and for the minimum wage rates to be paid to homeworkers until then. The provision permits sufficient time to adjust to the complete elimination of homework.

Article VII, Section 15: Exempts export trade from the provisions of this article.

Article VII, Sections 1 and 2: Authorizes the Code Authority to request statistical data and information essential for the functioning of the Code Authority and provides for a checking of the accuracy of data submitted by an impartial agency if substantial doubt exists as to its accuracy. But in no case may information so examined be disclosed to competitors in identifiable form.

Article VII, Section 5: Provides for the submission of data to such Federal agencies as the National Industrial Recovery Board shall designate.

The Deputy Administrator in his final report on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The Board finds that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendments on behalf of the Industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons these amendments have been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,
Administrative Officer.

OCTOBER 25, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE TAG INDUSTRY

Article I definition of "member" is hereby amended as follows:
"Member" Includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the Industry, either as an employer or on his or its own behalf.

Article II of the Code is hereby amended:

By the deletion therefrom of Section 2 and the substitution thereof of a new Section 2 as follows:

SECTION 2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the National Industrial Recovery Board true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

By the deletion therefrom of Section 4 and the substitution thereof of a new Section 4 as follows:

SECTION 4. The Code Authority is charged generally with the duty of administering this Code. If the National Industrial Recovery Board shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

By the deletion therefrom of Section 5 and the substitution thereof of a new Section 5 as follows:

SECTION 5. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

2. To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which

the funds necessary to support such budget shall be contributed by members of the Industry.

3. After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board, and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

By the addition of new Sections 8 and 9 as follows:

SECTION 8. The Code Authority may appoint a Trade Practice Committee which shall meet with the Trade Practice Committees under such other Codes as may be related to this Industry for the purpose of formulating Fair Trade Practices to govern the relationships between production and distribution employers under the Code and under such others to the end that such Fair Trade Practices may be proposed to the National Industrial Recovery Board as amendments to this Code and such other Codes.

SECTION 9. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose; nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority; nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or nonfeasance.

Article IV of the Code is hereby amended:

By the deletion therefrom of Section 6 and the substitution therefor of a new Section 6 as follows:

SECTION 6. A person whose earning capacity is limited because of age or physical or mental handicap or other infirmity may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the in-

structions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him showing the wages paid to, and the maximum hours of work for such employees.

Article V of the Code is hereby amended:

By the deletion therefrom of Section 5 and the substitution thereof of a new Section 5 as follows:

SECTION 5. All employers shall post and keep posted copies of the labor provisions of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the National Industrial Recovery Board.

By the deletion therefrom of Section 7 and the substitution thereof of a new Section 7 as follows:

SECTION 7. No provision of this Code shall supersede provisions as to hours, wages, and conditions of employment which are established for specific project by competent governmental authority acting in accordance with law, or to terms of employment which are established by labor agreements now in force, as to wages where wages are higher; as to hours where hours of labor are shorter; as to wages and hours of labor where wages are higher and hours of labor are shorter than those set forth in this Code.

By the deletion therefrom of Section 9 and the substitution thereof of a new Section 9 as follows:

SECTION 9. The manufacture or partial manufacture of any product of the Industry in homes is prohibited after January 1, 1935. Prior to January 1, 1935, the following provisions shall govern home work in the Industry:

(a) Within five (5) days after the effective date of this amendment, the Code Authority shall prescribe a schedule of rates to be paid for all home work operations and submit the same to the National Industrial Recovery Board. In no event shall such schedule prescribe rates which will yield a home worker for an hour's work less than eighty (80) per cent of the minimum rates of wages prescribed in Article IV of this Code. After the aforementioned five day period and prior to November 1, 1934 no home worker shall be paid at rates less than those contained in such schedule. The Code Authority shall furnish every home worker employed in the Industry with a copy of such schedule and a copy of this amendment.

(b) Within ten (10) days after the effective day of this amendment the Code Authority shall prescribe a second schedule of rates to be paid for all home work operations and submit the same to the National Industrial Recovery Board. In no event shall such schedule prescribe rates which will yield a home worker for an hour's work less than the minimum rates of wages prescribed in Article IV of this Code. After November 1, 1934 no home worker shall be paid at rates less than those contained in such schedule. The Code Authority shall furnish every home worker employed in the Industry with a copy of such schedule.

(c) Each member of the Industry shall submit to the Code Authority within five (5) days after the effective date of this amendment

and on the first day of each month thereafter, the following reports:

1. The names and addresses of every home worker employed by such member, together with evidence that he has complied with all State, municipal, and other laws, including the wage provisions of this Code, pertaining to home work.

2. A progress report on the installation of machinery in accordance with the plan submitted by such member and approved by the Code Authority.

The Code Authority shall submit such reports by members to the National Industrial Recovery Board prior to the fifth day of each month.

Article VI is hereby amended:

By the addition of a new Section 15 as follows:

SECTION 15. No provision of this Article, relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. "Export Trade" shall be as defined in the Export Trade Act adopted April 10, 1918.

Article VII is hereby amended:

By the deletion therefrom of Section 1 and the substitution therefor of a new Section 1 as follows:

SECTION 1. Each member shall prepare and file with an impartial agent designated by the Code Authority at such times and in such manner as it may prescribe, such statistics, data, and information relating to plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, stocks on hand, inventory both raw and finished, number of employees, wage rates, employee earnings, hours of work and other matters, as the Code Authority or the National Industrial Recovery Board may from time to time require. Any or all information so furnished by any member shall be subject to checking for the purpose of verification by an examination of the books, accounts, and records of such member by a disinterested party acceptable to both the member and the Code Authority. If these two cannot agree, then the National Industrial Recovery Board shall have the right to choose one.

By the addition of a new Section 2 as follows:

SECTION 2. Each member of the Industry shall keep accurate and complete records of such member's transactions in the Industry whenever such records may be required under any of the provisions of this Code, and shall furnish accurate reports based upon such records concerning any of such activities when required by the Code Authority or the National Industrial Recovery Board. If the Code Authority or the National Industrial Recovery Board shall determine that substantial doubt exists as to the accuracy of any such report, so much of the pertinent books, records and papers of such member as may be required for the verification of such report may be examined by an impartial agency agreed upon between the Code Authority, and such member, or, in the absence of agreement, appointed by the National Industrial Recovery Board. In no case shall the facts disclosed by such examination be made available in identifiable form to any competitor, whether on the Code Authority, or otherwise, or be given any other publication, except such as may be required for the proper administration or enforcement of the provisions of this Code.

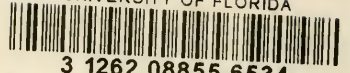
Section 2 to be re-numbered as Section 3, Section 3 to be re-numbered as Section 4, the deletion therefrom of Section 4 and the addition of a new Section 5 as follows:

SECTION 5. In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it may designate; provided that nothing contained in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the National Industrial Recovery Board.

Approved Code No. 249—Amendment No. 1.
Registry No. 404-1-07.



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